S.B.CRIMINAL MISC. BAIL APPLICATION NO.4950/2006

Date : 07.11.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. S.P. Bhati for Mr. Rakesh Arora for the applicants.
Mr. V.R. Mehta, Public Prosecutor for State.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that the applicants have got nothing to do with the alleged offence and infact Dhanpal is main accused person against whom allegation of rape has been attributed, therefore, the present applicant should be granted bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

A perusal of the impugned order makes a mention that the prosecutrix was forcibly taken away by Dhanpal and thereafter she came in custody of the present applicant and

others and was subjected to rape not by one but by many persons.

In view of above, since the matter is pending investigation, I do not feel inclined to grant bail to the accused applicants. The bail application moved by the applicants u/s. 438 Cr.P.C. stands rejected. However, the applicants shall be at liberty to move regular bail application after filing of charge-sheet and statement of the prosecutrix is recorded by the learned trial court. After recording of the statement of the prosecutrix if any bail application is moved by the applicants, then, learned trial court shall consider the same in accordance with law. Charge-sheet in the case be filed as early as possible.

(SATYA PRAKASH PATHAK), J.

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